Dear PALS Supporter,

As Winter moved slowly into Spring, our PALS Board of Directors greeted the Provincial Government’s drawback on Bill 66, aka the ‘invitation-to-sprawl’ legislation, with both pleasure and caution. We and many other groups and individuals who care deeply about the Greenbelt can be duly proud of our efforts to stimulate the huge negative response to this piece of legislation, which would have opened the door for local municipalities to sideline protective upper-tier planning, in order to stimulate “commercial” growth on fruit land, prime farm land and environmentally sensitive areas.

Nevertheless, there are still ominous threats to other prime agricultural areas outside the Greenbelt, which could well be negatively impacted by mandated municipal five year comprehensive Official Plan Reviews. And the current Provincial Growth Plan Review brings its own potential for unneeded and damaging urbanization.

Even in Niagara, an ominous development cloud looms again, as headlines tout the re-emergence of plans for the Mid-Peninsula corridor, which PALS played a significant role in stopping in 2012, now named The Niagara to Hamilton Trade Route. If carried through this time round, it could, as before, cut through thousands of acres of prime farmland and significant ecologically sensitive natural areas.

Meanwhile, given the continued lack of real “permanence” for the very special and threatened Niagara tender fruit lands, we continue to promote our tender fruit land easement plan, the latest effort being our presentation to the February 2019 Ontario Budget consultations.

We’ll keep you posted!

Regards,

Doug Woodard

PALS BLOSSOM WALKERS NEED SPONSORS!

Pals’ Board members will be walking through the blossoms of Fonthill on Sunday May 5th. Please consider sponsoring our walkers, John Bacher, Mary Lou Jorgensen Bacher, and Gracia Janes or one of several friends who will be joining them. Charitable receipts for donations over $5 will be issued promptly.

Photo: Natalia Shields
Greenbelt Survives Serious Threat:

Recently there was a serious threat to the longevity of the protections provided by the Ontario Greenbelt, which in Niagara at least, prevent any threat of urban expansion until the ten year comprehensive review of Provincial Plans. Fortunately, due to a huge public outcry, aspects of Bill 66 which proposed that lower tier municipalities be given special powers to speed industrial development in the Greenbelt, were withdrawn.

Niagara Region Official Plan Review:

In a surprising development, the Regional Municipality of Niagara is in the process of developing a new official plan. PALS, through its involvement at 2 OMB hearings between 1977 and 1981 was central in developing the key policies of the current plan. The original basic premise of the Niagara Regional Plan was the protection of what it terms “good general” agricultural land and more importantly, “Permanent protection of the unique tender fruit and grape land. This Official Plan came into effect in 1981 after being approved by the Provincial Cabinet, and finally its goal of permanent protection for unique lands was realized with the adoption of the Greenbelt in 2005. More recently, it has become difficult for any urban boundary expansions to take place in Niagara since lower tier municipalities are prevented from undertaking them.

Federal Government Committee Urges Ontario Government to Revive Mid-Peninsula Expressway:

In a worrisome event, a federal House of Commons committee has urged the Ontario government to revive the now-terminated mid-Niagara Peninsula Expressway, as part of a plan to redefine the mid-peninsula highway as the “Niagara to Hamilton Trade Route.” The highway was first proposed under the Provincial Government of Premier Michael Harris, and was terminated largely because of outrage in Burlington, as the design put forward at that time called for a crossing of the Niagara Escarpment close to one of its most magnificent locations, Mount Nemo.

This strong opposition caused the City of Hamilton to go to court to force a full-scale Environmental Assessment (EA) of the plan, and PALS played an important role in eventually persuading the Liberal government to terminate the mid-peninsula expressway, and a parallel scheme, the GTA West corridor, and to clearly state that building new expressways no longer made sense in an era where combatting human contributions to climate change had become a high priority.

Regardless of the renaming in its newly resurrected form, the highway would cut across thousands of acres of highly productive Class One and Two farmland, and through the heart of the Caistor-Canborough Slough Forest, an important habitat for vernal pool obligate species, such as frogs and salamanders.

Regional Official Plans, Environmental Policies and the Local Planning Appeal Tribunal:

A most important aspect of the Regional Official Plan is that it provides protection to large blocks of forests. At least now, these areas require Environmental Impact Studies, which can be used to appeal development proposals to the Local Planning Appeals Tribunal (LPAT). A worrisome development is that the problem of Ash Die-Off, a key issue at the current LPAT hearing concerning Amendment 128 of the Niagara Falls Official Plan, may be used to remove protection on ECA forests in Niagara. This seems to be the most contentious issue in the Regional OP review now underway, and it appears that much of the debate at the current hearing is a dry run for what may emerge as a key point of controversy in the new Niagara Regional Official Plan. In this respect, it is very worrisome that as of June 30th 2019 the agency to help citizens in their appeals, the Local Planning Appeals Support Centre, will cease to operate!
Ford Backs Down on Bill 66 Rescues Niagara - Rest of Greenbelt Still at Risk:

In a major victory for the environmental movement, Ontario Premier Doug Ford backed down on an initiative that could have been disastrous for Niagara’s Fruit Belt. The legislation called Bill 66 had provisions to negate Greenbelt rules for urban boundary expansions in order to allow industrial development. The most obvious threat to Niagara would have been an expansion of uses at the Niagara District Airport in Niagara-on-the-Lake. This would have been a target since there was an Ontario Municipal Board, (OMB) hearing several years ago in this very location, as the airport, wished to expand its property for commercial uses. That attempt failed, as PALS, represented by Gracia Janes, backed by a Regional planner’s evidence, successfully argued that although the land designation had been recently changed from grape land to general agricultural in the Regional Official Plan, the very special climate and soils here, and the fact that Brights Wines had used them as to test-grow their grapes for many years, proved that these were prime grape lands and shouldn’t be rezoned to commercial.

Today, although the new draft Official Plan for the Town praises the potential for the airport as a centre for the current aviation and more future uses, the Subject Lands are protected by the Greenbelt, and recent statements by the Town consultant planners confirm that no urban boundary expansions and uses will be permitted.

While Ford’s decision rescued the fruit belt, except for the Niagara Escarpment Commission Lands (which weren’t part of Bill 66, and are also protected until the next 10 year mandatory review in nine years), other prime agricultural areas are still subject to review when the various municipal governments have their mandatory five year comprehensive plan reviews. The Oak Ridges Moraine for instance which has been frozen from urban boundary expansions for the past 14 years, will soon be under threat. Urban boundaries here will be impacted by reviews of quite a number of regional plans. These include the regions of York and Durham, and Northumberland and Dufferin counties.

QUOTABLES

1. PALS Press Release: for immediate release - Tuesday January 15th, 2019

As the oldest farmland preservation group in Canada, and credited in the Provincial Legislature for being the impetus behind the establishment of the Greenbelt land use protections, the Preservation of Agricultural Lands Society (PALS) strongly opposes Bill 66, the Open For Business Act.

This week, as the January 20th deadline for comment on the proposed Legislation closes in, PALS is sending letters to the Regional Council (attached) and all 12 lower-tier municipalities, asking them to let the Government of Ontario know that our Niagara’s Greenbelt tender fruit and grape lands and other prime farmlands should not be “open for business” other than that of tender fruit and grape, cash crops and other farming, and farm-related uses.

PALS also urges Niagara’s 12 lower-tier municipalities to officially go on record, that they will not use these re-zoning powers should Bill #66 be approved. According to PALS Board member Gracia Janes, “We know that Bill 66 refers to commercial development, but this will bring with it sewer, water, and road extensions, which in turn use good farmland and put pressure on nearby farmlands and farming. Additionally, developers, emboldened by the proposed “Open for Business” planning powers, which by-pass Regional planning policies and processes, are bound to press for urban expansions into the unique and threatened tender fruit and grape lands. This is particularly important as Niagara Region develops its new Official Plan.

PALS President Doug Woodard adds, “If lower-tier municipalities take advantage of Bill 66, and side-step good planning, by shutting out public input and ignoring important Regional planning and other protective Legislation such as the Clean Water Act, Great Lakes Protection Act, Greenbelt Act, Places to Grow Act and, the Oak Ridges Moraine Conservation Act, they will put at severe risk fruit lands, other prime farmlands, water resources, environmentally sensitive areas and air quality in Niagara and Ontario,which we all, urban or rural, rely on.”

PALS sent the attached letter to the Regional Niagara Chair and Councillors, ahead of Thursday’s Regional Council meeting, and is sending a similar letter to all local municipal Councils.
2. Loss of planning appeal support centre ‘an outrage’

John Bacher, an environmentalist who works with the Preservation of Agricultural Lands Society, in this file photo stands on the edge of farmland in Niagara Falls that he helped save from development in 2015. He’s concerned that the province’s plans to eliminate the Local Planning Appeal Support Centre (LPASC) will make it more difficult for people to stand up against developers to preserve agricultural and environmentally sensitive property.

Without the assistance of a year-old agency designed to help them through the planning appeals process, members of the Preservation of Agricultural Society fear people may be “very hesitant” to stand up to developers. Gracia Janes, spokesperson for the Niagara-based organization — formed primarily to protect tender fruit lands from development — said the provincial government’s decision to shut down the Local Planning Appeal Support Centre (LPASC) that was established in April 2018 “will definitely affect people wanting to go forward” with development appeals.

A notice was posted on the LPASC website last week advising people that the provincial government is closing the agency, giving it until June 30 to wind down operations. “Effective immediately, LPASC will no longer be accepting new requests for professional services from the public. During this wind-down period, LPASC is committed to continuing to serve, to the best of its ability, those clients who have retained its services,” the statement said.

Janes said the provincial agency helped level the playing field between developers and residents hoping to protect their neighbourhoods — as well as groups such as PALS that are trying to save agricultural land, environmentally sensitive areas and heritage properties despite limited resources. Although environmental consultant and PALS member John Bacher has had considerable past experiences navigating through the development appeals process, he said he, too, has benefited from the assistance provided by LPASC staff.

For instance, he said, the agency helped him obtain “suppressed” documents from the Ministry and Natural Resources regarding the Riverfront Community development (formerly Thundering Waters), while he was launching an appeal of the project last summer. Niagara Falls city staff, at the time, said the documents were not provided because the MNRF concerns expressed in the letters had already been addressed. But Bacher, whose Local Planning Appeals Tribunal case regarding the $1.6-billion mixed use development is scheduled to resume on March 6, said “it is clearly an outrage to shut down an agency which revealed important documents in the public interest, which were wrongly suppressed.” He said the province should be investigating why the letters were not included in documents provided to him in the first place, rather than “shutting down the agency that provided them.”

Gracia Janes said the LPASC was established in April 2018 as part of the former provincial government’s efforts to resolve problems under the previous Ontario Municipal Board that made it “very difficult to stand up against that without your own planners, your own experts and your own lawyers.” Prior to the changes enacted by the previous Liberal government, she said, being involved in an OMB appeal “was a confrontational thing, dominated by the lawyers.” But as a result of the work done by LPASC staff, Janes said citizens groups are better able to negotiate the planning appeals process “and they don’t have to have a lawyer.”…

Allan.Benner@niagaradailies.com
3. PALS Presentation at the Meridian Centre, Fonthill on January 17th, 2019

The Preservation of Agricultural Lands Society (PALS)

The Oldest Farmland Preservation Group in Canada Supporting Farmers &
Working to Protect the Best Farmlands in Canada Since 1976

Re: 2019 Budget Consultations, Thursday January 17th
Meridian Centre, 100 Meridian Way, Fonthill

Presented by Gracia Janes
on behalf of the PALS Easement Team of:

Arnie Lepp, President Niagara Orchard & Vineyard Co.,
Corwin Cambray, former Commissioner of Planning, Regional Municipality of Niagara,
Gary Davidson, former Director of Planning, Huron County,
Dr. John Bacher, PhD, PALS Researcher

{ Other supportive groups are the Ontario Farmland Trust, Food and Water First, the Provincial Council of
Women of Ontario and the Regional Municipality of Niagara Agricultural Policy and Action Committee.}

Introduction:

Today we bring to the attention of the Minister of Finance, the need for a substantive $40 to $60 million
investment in a pre-eminent Niagara industry, similar to the kind of investments promised to other Ontario
industries such as the pension backing for Algoma Steele and the $34.5 million for Maple Leaf Foods in London,
but stretched over a 10-15 year period.

That is, the Niagara Tender Fruit industry, where Niagara’s farmers rely on the unique combination of soils and
climate, to grow 90% of Ontario’s peaches, 80% of its plums and 75% sweet cherries¹ and their industry is of
significant benefit to all Ontarians and our regional and provincial economies, where it provides:

Lower consumer costs - as producing local food saves the tax payer the cost of their weekly food basket for
quality local food

Healthy fruit - the best in North America, close to large urban markets

Jobs - not just on-farm jobs, but the thousands of tourism jobs connected to the industry, where tender fruit and
grapes make the best of our unique combination of climate, soils, and farm expertise to be a show-case for travel
in Niagara/Ontario by millions of tourists from around the world and close at hand.

Broad economic benefits to the government of Ontario, and all Ontarians - such as taxes at all levels of the
tourist and farm gate. Despite strong public support of this singular industry over many years, tender fruit farm-
ers face many challenges. These include a significant drop in the number of tender fruit farmers from approxi-
mately 600 in 1995 to about 250 today, and a much smaller acreage to farm, as Niagara’s tiny tender fruit land
base, which is like no other in Canada, has already been reduced by almost 74%, from 35,000 acres in the
1970s to approximately 9,000 acres today, with about 7,600 acres in production. And in 2008, the closure of
the last tender fruit canning factory in Ontario, CanGro, meant a loss of 2,000 acres of clingstone peaches.

Further threats to the industry are the shadowing of the land base by urban infrastructure projects, a reduction
in opportunities to buy, and even rent land, due to off-shore mega-land acquisitions and rural estate purchases,
which drive the cost of land up beyond what farmers can afford, and recently, cannabis operations and even a
potential for open-land cannabis growing in the future.
( PALS Presentation, Cont’d. )

Conclusion:

The tender fruit industry is at a tipping point, and unlike other industries, it cannot move and thrive elsewhere. To counter this decline and move forward, we are asking the government to invest $40 to $60 million, over a 10 to 15 year period, in a voluntary tender fruit land easement program, which would pay the farmers to place restrictive covenants on their land to protect it permanently, as is done successfully in many US states such as Michigan, where such investment saved the cherry-growing land and the farmers and enhanced the industry.

(We note that, in 1997 the Conservative government of Mike Harris invested substantively in the purchase of easements in the Oak Ridges Moraine farmland natural areas, land. This helped protect the land permanently and rural property values as well.)

Reference:
1. “www.omafra.gov.on.ca/english/crops/facts/04-045.htm July, 2016 “ The Niagara Peninsula produces more that 94% of Ontario’s grapes, 90% of its peaches, nectarines and apricots, 80% of its plums, 75% of its sweet cherries, 72% of its pears and 60% of its sour cherries.“

Niagara Fruit and Berries - Photos: Natalia Shields

OPPORTUNITIES TO HELP PALS CARRY ON OUR IMPORTANT WORK!

• Take out a 2018/2019 Membership @ $5 Seniors and Students; $10 Individuals; $20 Families; $40 Groups
• Order a PALS ‘Taste Niagara’ Cookbook @ $15 (includes mailing cost)
• Order a strikingly packaged PALS’ “Pick and Choose to Preserve Niagara Fruit Lands” video, while they last @ $15 (includes mailing cost){To preview video, go to https://vimeo.com/263398425}
• Make a charitable donation (tax receipts issued promptly)

Just fill out the enclosed form & mail to PALS Box 1413, Niagara-on-the-Lake ON L0S 1J0